

CIRCLEVILLE CITY COUNCIL MEETING AUGUST 18, 2020

Circleville City Council convened on Tuesday August 18, 2020 at 7:00 pm. The following members met at the Mary Virginia Crites Hannan Park - Starkey Pavilion. Roll Call. David Crawford; President of Council; Michelle Blanton, At Large; Katie Logan Hedges, At Large; Tom Klitzka, At Large; Jeff Hallinin, First Ward; Barry Keller, Second Ward; Todd Brady, Third Ward; Sheri Theis, Fourth Ward and Linda Chancey, Clerk. Invited guests Mayor Don McIlroy and Service Director Terry Frazier.

President David Crawford called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited. Crawford asked for a moment of silence for Jerry Smallwood and Robert Temple they were former Circleville Police Chiefs that passed away. Brady motioned to approve Council minutes August 4, 2020 seconded by Blanton. The Public Hearing minutes for August 4, 2020 are approved as written.

REPORTS FROM COUNCIL MEMBERS WITH COMMITTEE REPORTS

Brady announced a Service Cmte Mtg. on Tuesday, September 1st at 6:00 pm Mary Virginia Crites Hannan Park – Starkey Pavilion.

Crawford reported that prior to Council Mtg there was a Cmte of Whole meeting requested by Englefield Oil, Duke and Duchess property, 235 East Main St. to rezone from DB/Downtown Business to GB/General Business. This rezoning is forwarded to the September 1st Council meeting for approval.

REPORTS FROM CITY OFFICIALS

Mayor Don McIlroy stated that he has three items for discussion. The first is stability and getting better at getting things done. At the September 15th Council Mtg. is the State of City Address about the positive things that are happening in the City.

The Mayor continued about Council creating a Board of Zoning Appeals (hereafter BZA) last year and listed his concerns. Where is Exhibit “A” Zoning Codes and Zoning map and confusing language in Parts 1 thru 4. The mayor’s solution is to have one member from BZA, and one P&Z member review the zoning codes for inconsistencies.

Crawford stated that council does not oversee the BZA, Council’s role is to populate the board and Common Pleas Court is the checks and balances. Blanton commented that she did read all the parts of zoning documents... and it says, “that Council does not have the authority to oversee BZA or Zoning Inspector and appeals are made to Common Plea Court”.

Logan commented that the Mayor’s suggestion to bring two people together to review the zoning codes is a good idea ... I would like to encourage Ryan Scribner, Director of P 3, to be part of that process to move forward. Mayor stated that Ryan works more with commercial development than City and he does get involved with developers.

Blanton commented, you can have history with growth, but you cannot allow our history to hinder our growth. The Mayor stated I agree, but we are talking about an incredibly old Comprehensive Plan, Council needs to update the Comprehensive Land Plan

Hallinin stated my thoughts are that if a development did not get approved by BZA, something that was approved by P&Z now needs to be approved again. Rewriting the zoning codes is an excellent idea.

Crawford stated the concerns were that with Kingston National Bank, P&Z dismissed three of their zoning codes criteria to let the bank go in.

Brady asked what Committee would hear the zoning codes amendment Parts 1 thru 4 and exhibit “A”?

Crawford stated the Law Director will need to be asked or define what exhibit “A” is.

ADDRESS TO COUNCIL

Linda Chancey 1318 Bristol Court, voiced concerns over the installation of a cemented fence in front of El Pedregal Restaurant on West Main Street. The main concern was the alleyway and the curving of the alley into the sidewalk, it is not ADA complaint for 6 ft. walkways for foot traffic. Hallinin asked the curb only gives you 3 or 4 ft not the 6 foot is that right? Chancey stated that is right.

Tom Spring, 335 Meadow Drive, stated the El Pedregal fence case was heard by BZA, but I recused myself from that meeting, but there are aspects of outdoor dining and tree and handicap access the city needs to be considered, there needs to be a meeting with the different people to discuss these items and maybe get zoning changes in place. Spring continued with his years as a zoning inspector, planner and on various zoning code commission boards, plus attended classes on zoning,

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Spring explained there might be a little bit of confusion on how BZA works with different cases concerning the BZA zoning codes. BZA do not hear cases that come before planning and zoning or that comes before council, we are not a legislative body, we apply the existing laws. Crawford asked maybe there could be a meeting with a member of the BZA board and a member of Planning and Zoning board to review policies and guidelines, would that be something doable? Spring stated that Terry Frazier does attend some of BZA meetings and there could be some ambiguities that could be corrected. Spring continue BZA needs to identify those places and start sharing them with the Service Director because it not our job to make those changes.

Logan asked Spring what is the typically life of a master plan? Spring explained a typical master plan needs to be reviewed every five years. A planner needs to be hired to consulted to tailor make the city's plans, some of these cities have the best practice for updating plans.

Keller stated with the public hearing on rezoning there could be some hurdle with BZA. Spring explained spot zoning in historical district and residential district and how it works with the City's laws, you either apply the law or have it amended.

Caryn Elizabeth Koch-Esterline 1452 Stoutsville Pike stated that she wanted to clarify in reference from the mayor. At the August 4th Public Hearing (Johnson/Lemmon developer group). Those concerns are from a resident point of view that was being considered for rezone on Stoutsville Pike. The developer needs to come in with a better plan and they will not have the hurdles to overcome.

COMMUNICATION

A Public Hearing is scheduled for October 1st at 6:30 pm requested by Paul and Jennifer Dickey to rezone 325 East Main Street, Circleville, OH 43113 from Residential Office District (RO) to Downtown Business District (DB). (this was cancelled the next day). Brady motioned to accept the correspondence and file as recorded. This seconded. Motion carried.

ORDINANCES FOR FIRST READING

An Ordinance Amending The Annual Appropriation Ordinance In The Water Operating Fund 808, The Sanitary Sewer Fund 909, The Everts DRD Fund 226, And The Street Construction Fund 203 Of The City Of Circleville. Keller stated this was reviewed in the Finance Cmte. with a recommendation for passage. This is a financial housekeeping ordinance for appropriation of City funds. Keller motioned to suspend the rules. Blanton seconded. Roll call. (7 Yeas – 0 Nays). Rules are Suspended. Keller motioned for passage. Hallinin seconded. Roll call. (7 Yeas – 0 Nays). Ordinance passes and assigned # 08-40-2020.

A Resolution Authorizing A Portion Of The Coronavirus Relief Funds (CRF) To Be Used To Provide Economic Support To Local Businesses And Families Impacted By COVID-19 And Declaring An Emergency. Keller stated this was reviewed in the Finance Cmte. with a recommendation for passage. This resolution authorizes the City for distributing funds provided by the coronavirus aid for small business assistance expenditures. Blanton motioned to suspend the rules. Hallinin seconded. Roll call. (7 Yeas – 0 Nays). Rules are Suspended. Keller motioned for adoption. Hallinin seconded. Roll call. (7 Yeas – 0 Nays). Resolution is adopted and assigned # 08-41-2020.

An Ordinance Amending Section 135.01 (a) And 135.03 of the Codified Ordinances of The City Of Circleville Establishing The Composition Of The Police Department so as to create The Position Of Deputy Chief Of Police and Captain Within The Department And Further Creating The Position Of Communications Center Commander Over The Communication Officers And Declaring An Emergency. Blanton stated this was reviewed in the Safety Cmte and Finance Cmte. with a recommendation for passage. This is amending the composition of the Police Department adding three positions for accountability and job duties. Brady motioned to suspend the rules. Blanton seconded. Roll call. (7 Yeas – 0 Nays). Rules are Suspended. Brady motioned for passage. Klitzka seconded. Roll call. (7 Yeas – 0 Nays). Ordinance passes and assigned # 08-42-2020.

An Ordinance Establishing Compensation And Benefits For The Positions Of Deputy Chief Of Police, Captain And Communication Center Commander Within The Department Of Public Safety, Division Of Police And Declaring An Emergency. Keller stated this was reviewed in the Finance Cmte. This is the financial part of the ordinance that goes with the legislation just passed and it sets pay rates through the Comp Plan. Keller motioned to suspend the rules. Brady seconded. Roll call. (7 Yeas – 0 Nays). Rules are Suspended. Brady motioned for passage. Theis seconded. Roll call. (7 Yeas – 0 Nays). Ordinance passes and assigned # 08-43-2020.

A Resolution Approving A Comprehensive Tree Plan For The City Of Circleville And Declaring An Emergency. Theis stated this was reviewed in the Strategic Planning Cmte. This ordinance is approving the Comprehensive Tree plans for rules and regulations for trees in the City. Hallinin motioned to suspend the rules. Brady seconded. Roll call. (7 Yeas – 0 Nays). Rules are Suspended. Theis motioned for passage. Klitzka seconded. Roll call. (7 Yeas – 0 Nays). Ordinance passes and assigned # 08-44-2020.

An Ordinance To Establish Rates For Water Connections And Miscellaneous Water Services To The Users Of The Water Works System Of The City Of Circleville, Ohio. Brady stated this was reviewed in the Service cmte. This ordinance was amended in Section VI addressing late fees and water tap connections and services. Brady motioned to suspend the rules. Theis seconded. Roll call. (7 Yeas – 0 Nays). Rules are Suspended. Brady motioned for passage. Hallinin seconded. Roll call. (7 Yeas – 0 Nays). Ordinance passes and assigned #08-45-2020.

An Ordinance To Establish Sanitary Sewer Rates For Connections And Miscellaneous Sanitary Fees Of The Users Of The Sanitary Sewer Of The City Of Circleville, Ohio. Brady stated this was reviewed in the Service Cmte. with a recommendation for passage This is sanitary waste and tap fees. Brady motioned to suspend the rules. Theis seconded. Roll call. (7 Yeas – 0 Nays). Rules are Suspended. Brady motioned for passage. Hallinin seconded. Roll call. (7 Yeas – 0 Nays). Ordinance passes and assigned #08-46-2020.

NEW BUSINESS

Brady asked the Service Director Terry Frazier if the City is still placing curb cuts handicap rubber mats? Frazier stated that is requirement with new construction or road construction. Brady stated at every intersection or alleyway requires those handicap mats? Frazier explained that alleys do not require those handicap ramps mats. Frazier continued the fence will come out 5 ft from the building and will force pedestrian traffic to the street curb because of a decline to the alley which will cause a hardship. The City cannot a remedy a curb ramp to make it ADA compliant in an alley also, that fence is not a good situation to him.

Blanton stated the planning and codes are reviewed every five years if Council has questions would you prefer to start discussions. Frazier stated that is your decision, the P&Z Commission would like to know ahead of time to understand what you are asking for or a council person representative.

Klitzka asked when will council get to review the new sewer and water rates? Brady asked Frazier if he has a service cmte mtg in September could the committee review the ordinances? Frazier stated three will be three different scenarios of increases of water/sewer rates for utility bills the first of year. It will be based the cost of a 2 person household, 3 people, or family of four people.

Brady motioned to adjourn the meeting at 8:21 pm, seconded by Hallinin. Motion carried.

Respectfully submitted by

Linda Chancey, Council Clerk